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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,494	10/31/2000	Nils Rydbeck	34650-608PT	2951
23932	7590	11/02/2004	EXAMINER	
JENKENS & GILCHRIST, PC			CHOW, DOON Y	
1445 ROSS AVENUE			ART UNIT	
SUITE 3200			PAPER NUMBER	
DALLAS, TX 75202			2675	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/703,494

**Applicant(s)**

RYDBECK, NILS

**Examiner**

Dennis-Doon Chow

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/24/04, 6/14/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8, 15-20, 22 –23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekendur (5852434) in view of Tuli (6348914) and Kawaguchi et al. (6448959).

Sekendur discloses a pen FIG. 7 for reading positional data FIGS. 1a-2 from a specially formatted surface FIG. 1 which comprises a data entry paper can be reusable. Optical detector 19 is disclosed within the pen. In col. 5, lines 36-39, it is disclosed that during the process of writing, the surface is scanned, data is sent to a processor and analyzed, and output to a screen. Sekendur further discloses a pressure sensor (10, Figs. 6-7).

Sekendur does not explicitly disclose using the pressure sensor for detecting a contact between the electronic reading device and the specially formatted surface, and a wireless transmitter for transmitting the detected data.

Tuli teaches an electronic pen device comprising a pressure sensor for detecting a contact between the electronic pen device and a writing surface (see abstract); a

memory for storing an inputted data; a wireless transmitter for transmitting the inputted data to a receiver (Fig. 2).

It would have been obvious to one of ordinary skill in the art to use Tuli's teachings in Sekendur's invention because the pressure sensor allows the pen to be turned on automatically when the pen is in use and off automatically when the pen is not in use. As to the use of the wireless transmitter, it eliminates the use of a cable transmission which limits the distance of the transmission.

The modified Sekendur does not explicitly disclose using the pressure sensor for selecting a location on the surface in response to a detected force greater than a predetermined threshold force.

Kawaguchi, in the same input field, discloses the use of a pressure sensor (col. 5, line 67 to col. 6, line 1) for selecting a location on a surface in response to a detected force greater than a predetermined threshold force.

In light of Kawaguchi, it would have been obvious to one of ordinary skill in the art to use Kawaguchi's concept in the invention of the modified Sekendur. This would have been obvious because it allows that the user to select a desired location on the surface easily and rapidly.

3. Claims 9-14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekendur in view of Tuli and Kawaguchi as applied to claims 1-5, 8, 15-20, 22-23 and 25 above, and further in view of Wolff et al. (GB2306669A).

Sekendur does not disclose the use of a paper reprinted with at least one data entry field.

Wolff discloses a system using pen instrument 91 for writing on an ordinary document (p. 3., lines) or special documents such as Calendar Book. It is needed to identify a specified type of a special document, bar code 13 is used in conjunction with optical sensor 20. In p. 22, lines 5-8, it is disclosed that CCD 260 can identify local context within a document by identifying printed marks. Fig. 1 discloses an example 20 of a calendar book page. Page 20 is preprinted with columns of rectangles 22, 22' and other spaces for writing associated with time of day, with examples of handwriting and checkmarks shown.

In light of Wolff, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the formatted writing surface of Sekendur to include preprinted entry fields. This would have been obvious because more data can be entered to the specially formatted surface.

### ***Response to Arguments***

4. Applicant's arguments filed 8/12/04 have been fully considered but they are not persuasive.

Applicant argues that Tuli does not teach a pressure sensor for detecting a user selection in response to a detection of additional force between the electronic reading device and the specially formatted surface. Applicant also argues that Kawaguchi does not remedy the deficiencies of Tuli in that Kawaguchi does not teach a pressure sensor

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for detecting a user selection in response to a detection of additional force between the electronic reading device and the specially formatted surface as recited in claims 1, 8, 15, and 23. Instead, applicant further argues, Kawaguchi teaches a pressure sensor for detecting a user selection in response to a detected pressure at the push button switch located on a side of the stylus pen. The examiner disagrees with applicant's arguments because applicant cannot show non-obviousness by attacking references individually where as here the rejections are based on combination of references. In re Keller, 208 USPQ 871 (CCPA 1981). Kawaguchi also teaches a pressure sensor (21d, Fig. 1B) for detecting a user selection in response to a user presses a pen against a display screen (see col. 5, line 67 to col. 6, line 1; col. 7, lines 59-67).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

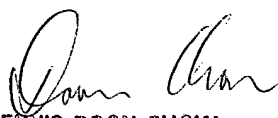
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is 703-305-4398. The examiner can normally be reached on 8:30-6:00, Alternate Monday off.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

D. Chow  
October 29, 2004

  
DENNIS-DOON CHOW  
PRIMARY EXAMINER